

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. Section 2252(a)(4)(B) - Possession of Child
 Pornography

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Maximum Prison Term of 20 years; Maximum Fine of \$250,000;
 Maximum Term of Supervised Release of Life; Minimum Term of
 Supervised Release of 5 years; Special Assessments of \$100
 (mandatory), \$5,000 per 18 USC § 3014(a), and up to \$17,000
 under 18 USC § 2259A; Forfeiture; Potential Restitution

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ DONALD STEPHEN KYLE

DISTRICT COURT NUMBER

4:21-cr-00370-JST

FILED

Sep 20 2021

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Meredith Sparano Stanger

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
 DOCKET NO.

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
 CASE NO.

☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

4:21-mj-71116

Name and Office of Person
 Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) Jonathan U. Lee

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior
 summons was served on above charges ▶

2) ☐ Is a Fugitive

3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
 been filed? ☐ No

If "Yes"
 give date
 filed

**DATE OF
 ARREST** ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
 TO U.S. CUSTODY** ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

FILED

Sep 20 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:21-cr-00370-JST
Plaintiff,)	
v.)	<u>VIOLATIONS:</u>
)	18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) – Possession
)	of Child Pornography;
DONALD STEPHEN KYLE,)	18 U.S.C. § 2253 – Criminal Forfeiture
Defendant.)	

I N F O R M A T I O N

The United States Attorney charges:

COUNT ONE: (18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) – Possession of Child Pornography)

1. On or about July 1, 2020, in the Northern District of California, the defendant,

DONALD STEPHEN KYLE,

did knowingly possess matter which contained at least one visual depiction that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, the production of which visual depiction involved the use of a prepubescent minor engaging in sexually explicit conduct, and which visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATION: (18 U.S.C. § 2253 - Criminal Forfeiture)

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offense alleged in

INFORMATION

Count One, the defendant,

DONALD STEPHEN KYLE,

shall forfeit to the United States of America:

- a. Apple iPhone 8, IMEI 354893092088624;
- b. HTC ARD6400 cell phone, IMSI 311480004764962;
- c. 160GB Seagate hard drive S/N: 9RXG17J2; and
- d. 160GB Seagate hard drive S/N: 3LJ24H12.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All in violation of Title 18, United States Code, Section 2253, Title 21, United States Code, Section 853, and Federal Rule of Criminal Procedure 32.2.

DATED: _____

STEPHANIE M. HINDS
Acting United States Attorney

Jonathan U. Lee

JONATHAN U. LEE
Assistant United States Attorney